

Office of Professional Accountability (OPA) Commendations & Complaints Report November 2006

Commendations:

Commendations Received in November: 10

Commendations Received to Date: 376

Barnes, Timothy Martin, Ronald Wong, Mark	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Three officers were commended for their quick response. The car was abandoned and did not appear to have any damage.
Pelich, Debra	Officer Pelich was commended for handling a delicate situation with professionalism and confidence.
Wong, Mark	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Wong was commended for his quick response. Suspect was found and arrested.
Britt, James Byrd, Samuel	A reported stolen vehicle equipped with a silent alarm was tracked and recovered with ten minutes of activation. Officer Britt and Officer Byrd were commended for their quick response.
Drain, Reinanda	Detective Drain was commended for her outstanding presentation at the Missing Persons and Unidentified Human Remains training at the Washington Association of County Officials Annual Conference.
Cooney, Michael	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Officer Cooney was commended for his quick response. Following audio and visual cues on the vehicle, Officer Cooney was able to recover the stolen vehicle within fifteen minutes of activation.
Griesheimer, Michelle	Officer Griesheimer received a letter for her investigation of a vehicle collision. She was thorough and professional and the level of care and concern she provided during this emotional and stressful incident was greatly appreciated.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

November 2006 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

BIASED POLICING

Synopsis	Action Taken
The complainant alleged that the named employee pointedly stopped an African American for a pedestrian violation, and then unnecessarily cited that individual, a second person, and herself.	The investigation showed that others did not perceive the incident as the complainant had. The African American did not believe the enforcement was race based. The citizens indicate that the two white violators were cited first. The officer denies that the enforcement was influenced by race. Finding Biased Policing & Professionalism—EXONERATED.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complainant alleged that the named employee stopped him for jaywalking and was rude and arrogant during the contact. The complainant also alleged that he was missing \$3 cash after being fingerprinted and released.	The investigation determined that the complainant was uncooperative with the named employee when he was being identified for a pedestrian offense. The employee followed procedures and no evidence was found to support that the employee was rude or condescending during the encounter. Further, the complainant alleged that money (\$3) was missing from his ID holder when it was returned. All contact with the ID holder was done in the presence of the complainant. It could not be determined that the money existed, but if it did, the preponderance of the evidence did not support that the employee removed it. Finding Professionalism & Evidence and Property Policy—UNFOUNDED.
The complainant alleged that the named employee, while writing a parking ticket, made an unprofessional remark related to his ethnicity.	This complaint was not made until after the complainant had contested his ticket in court, and lost. The employee denied ever making such a statement to any one in the course of his duties. Finding—UNFOUNDED.
The complainant alleged that while being attacked, the named employee sat in his patrol car and did not take any action.	After telephoning in the complaint to OPA-IS, the complainant failed to respond to multiple requests for contact. The named employee had a clear recollection of his activities and stated that he did not witness any of the events alleged, and was never advised by dispatch of any of the alleged activity. Finding—UNFOUNDED.
It was alleged that the named employee did not take a police report of her daughter's assault. It was also alleged that the named employee made discourteous comments to the daughter.	The evidence supports that the named employee investigated the incident as a domestic violence assault, carefully examined the alleged victim, and talked to multiple witnesses before concurring that no assault had taken place. Finding Exercise of Discretion—EXONERATED. The evidence also supported that the named employee was professional and calm, and did not make one of the alleged unprofessional comments. The other comments made were not unprofessional. Finding Courtesy—UNFOUNDED.
Outside agency complained to SPD that the named employee, who was pulled over in a traffic stop by the outside agency, was rude and acted inappropriately.	The deputy who stopped the named employee said the employee challenged and argued with him, and that the situation escalated to the point where the deputy feared for his safety. The named employee said that he questioned the deputy about the stop and felt that the deputy's actions were motivated by race. The employee's actions did not amount to misconduct. Finding—SUPERVISORY INTERVENTION.

SAFEGUARDING/MISHANDLE EVIDENCE/PROPERTY

Synopsis	Action Taken
The complainant alleged that the named employees removed his wallet during his arrest and never returned it to him.	The evidence did not support the complainant's allegation. A witness, the victim of the robbery for which the complainant was arrested, supported the officers' contention that the complainant did not have a wallet at the time of his arrest. The complainant's story changed over time, and there was reason to doubt his recollection of events on the night in question. Finding—UNFOUNDED.
It is alleged that the named	The investigation determined that the destruction of the

employee improperly authorized the disposal of narcotics evidence and jeopardized the prosecution of a pending case.	evidence was due to a clerical error and lacked criminal intent. The conduct of the named employee was determined to be a performance issue and not misconduct. Finding—SUPERVISORY INTERVENTION.
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UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that the named employee used unnecessary force when he tased a man for longer than necessary. She further alleged that when she tried to intervene, two employees used unnecessary force against her in the arrest for obstructing.	<p>The named employees contacted several individuals for wearing gang colors downtown. One of the individuals pushed the named employee and subsequently resisted efforts to be controlled. The named employee deployed his taser on the subject several times, and “flash-tased” –display only– to warn the gathering crowd. The taser records show that the taser was deployed four times, in bursts of fourteen, five, five, and four seconds each. The force was documented, screened, and reported. The subject did not respond to requests for contact. Finding—SUPERVISORY INTERVENTION.</p> <p>The use of force on the complainant was reported to be minimal, i.e., use of a gooseneck hold to control her flailing arms. After making the initial complaint, she did not respond to requests for contact. Finding—EXONERATED.</p>
The complainant alleged that the named employee kicked his ankles during a pat down, aggravating a pre-existing condition. He also alleged that the named employee used profanity during the stop.	<p>The named employee said he “nudged,” not kicked the complainant’s ankles during the pat down. A witness to the incident confirms that there was nothing unusual about the contact, and observed the complainant walking without any injury, contrary to his claims. However, the named employee stated that the complainant did complain that his legs were hurt, which should have triggered a mandatory use of force packet. Finding Failure to Report Use of Force—SUPERVISORY INTERVENTION.</p> <p>The complainant gave inconsistent statements about the profanity; the witness did not hear any; and the employee denied it. Finding Professionalism—UNFOUNDED.</p>
The complainant alleged that the named employee used unnecessary force when arresting her for domestic violence causing injury to her wrist.	The investigation determined that the employee used only the force necessary to make an arrest for a domestic violence offense committed in the employee’s presence. The complainant admitted to resisting and witnesses stated the employee acted professionally. The witness further stated that the complainant’s resisting was the contributing factor to her falling and injuring her wrist. Finding—EXONERATED.
The complainant alleged that the named employees used unnecessary force when they arrested him for assault, causing bruising to his chest and injuring his ankle.	The complainant had been escorted out of Virginia Mason Hospital after causing a disturbance and the named employees arrived to assist the hospital security staff. Witness advised that the complainant was resistive, unreasonable, unpredictable, and that he had previously struck one of the security staff. Witnesses further described the arrest as “routine and mild.” There was no evidence that unnecessary force was applied. Finding—UNFOUNDED.
The subject alleged that the named employee used unnecessary force when he	The employee responded to a complaint that a rider would not exit a Metro bus at the end of the route. The employee requested multiple times for the complainant to exit the bus

grabbed her right arm when he contacted her, while she was on a Metro coach, twisting her arm, and causing injury.	and she refused. The employee then used an escort hold to remove her from the bus to which she resisted and struck the officer multiple times. Still, despite the complainant's behavior, the officer attempted to resolve the complaint in the most non-confrontational manner available. Witnesses stated that the employee's actions were "reasonable and controlled," and that the employee was "polite, courteous and professional." Finding—EXONERATED.
It is alleged that the named employee used unnecessary force when he pinned the subject against the hood of a patrol car and punched him on the side of the head, even though the subject was not resisting.	The investigation determined that the complainant (a third-party witness) had not observed the entirety of the circumstances and that the evidence did not support the allegation of employee misconduct. The named employee was dealing with an uncooperative, intoxicated individual. The evidence supported that the employee used only the force necessary to control the subject and keep spittle off of himself. Finding—EXONERATED.
The complainant alleged that during his arrest, the named employee used unnecessary force, throwing him to the ground and injuring his head.	The complainant was contacted for jaywalking. He became belligerent, and would not cooperate with the named employee. He was patted down for weapons, and then arrested when narcotics paraphernalia was found. After handcuffing, the complainant became combative, kicking, and trying to pull away. The named employee took him to the ground to control him, and the complainant received an abrasion on his forehead. Though the officer could have done more to defuse the confrontation, the force used was minimal, within policy, documented, screened, and reported. Finding—EXONERATED.
The complainant alleged that the named employees unnecessarily shoved, took to the ground, and handcuffed her while investigating a domestic violence disturbance.	The evidence indicates that the named employees did use force on the complainant at a domestic violence call, as she tried to leave and would not comply with their efforts to control her. The named employees were struggling with the complainant, who had hold of her small child. Employees were concerned the child may be hurt, and they took the subject to the ground and struck her in the back in an attempt to get her to release her child. The evidence supported that the subject was significantly affected by alcohol. The force used was documented, screened, and reported. Finding—EXONERATED.
The complainant alleged that while ejecting him from a sporting event, the named employee put his hands around his throat and pushed him. The subject also claims the employee did not provide his name when requested to do so.	<p>The evidence indicated that the complainant was intoxicated and aggressive. There was no injury, no marks, or other evidence to support his claim that he was grabbed by the neck. The named and witness officers gave consistent, credible statements of how the subject was treated. The named employee put a hand on the subject's chest, not his throat, to control him and, as described, it did not constitute a use of force. Finding Unnecessary Force—UNFOUNDED.</p> <p>The evidence also confirmed that the officer told the subject his name, showed him his nametag, and offered to write it down for him, but the subject said he'd remember it. Finding Professionalism—EXONERATED.</p>
It is alleged that multiple named officers used excessive force when they contacted the subject as part of a robbery investigation.	The evidence showed that named employees went to a residence to attempt to locate and contact a female robbery suspect. A car arrived on scene, and the female passenger believed to be the suspect exited the car and ran into the

<p>It was also alleged that several of the named employees failed to identify themselves.</p>	<p>residence. While several employees chased the robbery suspect into the house, another employee contacted the driver and attempted to place him on the ground to be handcuffed. The driver resisted handcuffing, struggled on the ground, then escaped into the residence. The subject was again contacted in the house and another violent struggle occurred. The subject sustained significant injuries and was hospitalized. Records indicate that the subject was under the influence of narcotics at the time of the contact. The force used was documented, screened, and reported. FINDING Unnecessary Force—Exonerated (8 employees); SUPERVISORY INTERVENTION (3 employees).</p> <p>The evidence as to the failure to identify was clear. The officers were all in uniform and gave commands to the subject invoking the Seattle Police. Finding Duty to Identify Self—ADMINISTRATIVELY UNFOUNDED (4 employees).</p>
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VIOLATION OF LAW

Synopsis	Action Taken
<p>The complainant alleged that the named employee nearly struck him with his personal vehicle, and then he backed up his vehicle, and threatened the subject with profanity. The complainant also alleged that the named employee placed the subject into a headlock and threatened to kill him.</p>	<p>Criminal charges were dropped due to the complainant's failure to participate in the proceeding. The administrative investigation revealed conflicting accounts of the incident that could not be reconciled. The evidence did not support that the employee's actions were a violation of law. Finding Violation of Law—NOT SUSTAINED.</p> <p>The evidence supported that the employee had in fact used profanity, but that the profanity used was appropriate when trying to control the situation. Additionally, the employee had not identified himself as a police officer. Finding Professionalism—EXONERATED.</p>
<p>The complainant alleged that the named employee committed domestic violence by assaulting her and dislocating her shoulder, sometime in 2005. The complainant also alleged that the named employee has continued to harass, intimidate, and manipulate the complainant up to the date of this report in 2006.</p>	<p>There was no independent evidence to support that a DV assault occurred. The evidence presented did not pass the preponderance standard. Finding—NOT SUSTAINED.</p>
<p>The complainant alleged that the named employee, while off duty, made threats to kill him. The complainant also alleged that the threats have been repeated over some time.</p>	<p>The investigation determined that the complaint involved complicated personal relationships. The named employee and the complainant each had a witness supporting their statement. There was no independent evidence to support a clear finding of either guilt or innocence. Finding—NOT SUSTAINED.</p>

VIOLATION OF RULES/REGULATIONS

Synopsis	Action Taken
<p>Complainant alleged that named employees stopped the subject in his car for no reason and removed the subject from his</p>	<p>The investigation revealed that the traffic stop that initiated this contact was legitimate and based on observed behavior. During the conduct of the of the traffic stop, officers smelled a strong odor of marijuana. Current case law permits the</p>

vehicle at gunpoint; that they coerced the subject into giving permission to search his vehicle; and that the named employees failed to log information to justify their stop	search of the interior of the vehicle based on articulatable suspicion. The investigation determined based on the preponderance of the evidence that no misconduct had occurred. Finding—EXONERATED.
The complainant alleges that the named employee stopped him after he gave the employee “the finger.” The allegation states that the employee refused to explain the basis for the stop, that the employee tore the complainants shirt as he attempted to leave and that the employee acted in a threatening manner.	The investigation determined that there was no evidence to support employee misconduct. The employees were acting within the law and the conduct of the Terry Stop was within policy. Further, the investigation determined that the employees had not abused their discretion. Finding Violation of Rules/Regulations—EXONERATED. Finding Professionalism—UNFOUNDED.

November 2006 Cases Mediated:

Complainant alleges that he became involved in a traffic incident with the named officers after they had to abort a lane change, because he was in their blind spot. He alleged that as he passed the officers, the passenger officer was pounding his forearm and fist against the window while staring at the complainant. He alleged that the officers maneuvered behind him then up on his right side, and that the officer who was driving, stuck his head out of his window and was yelling at the complainant. He further alleges that they officers stopped him, and that the driver yelled at him so intensely that he was spitting on him.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

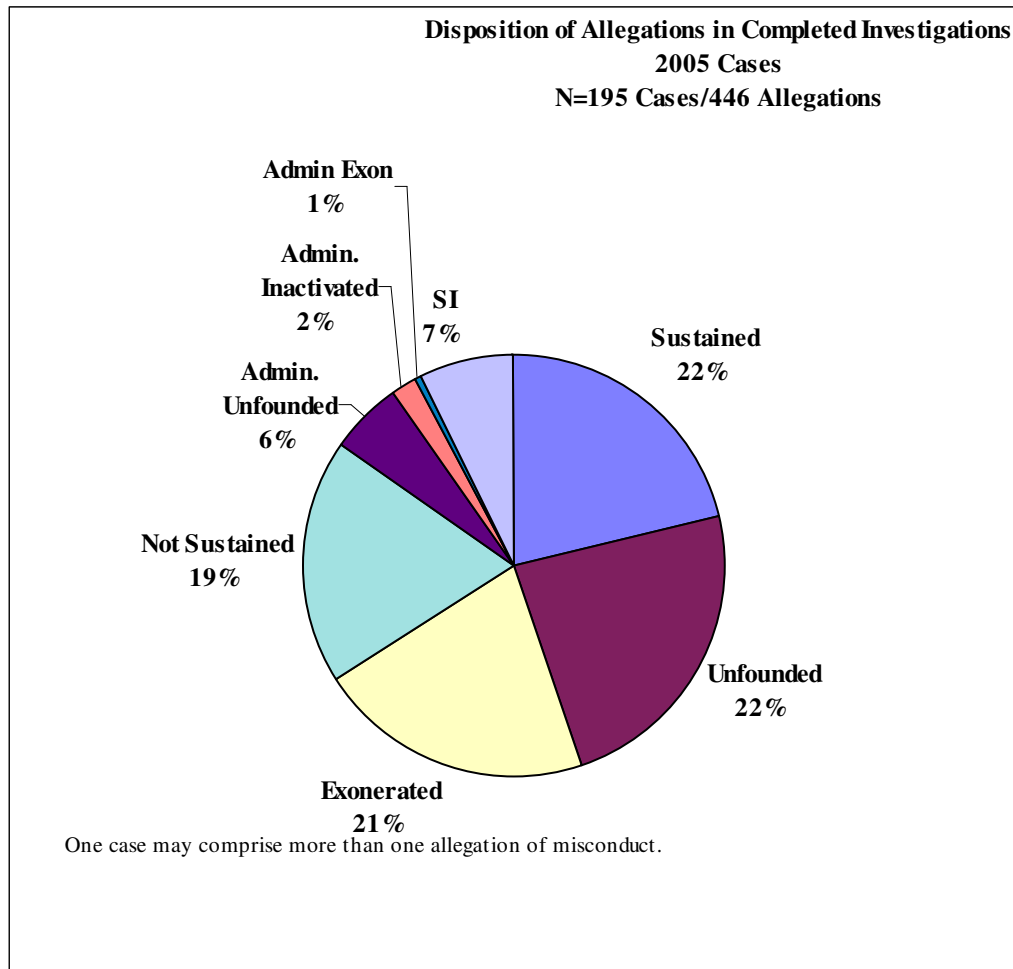
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	195*
Commendations	84	498

*includes 2005 cases closed in 2006

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



2006 Contacts

	Nov 2006	Jan-Dec 2006
Preliminary Investigation Reports	14	270
Cases Assigned for Supervisory Review	5	78
Cases Assigned for Investigation (IS;LI)	10	165
Commendations	10	376